

ESTTA Tracking number: **ESTTA249745**

Filing date: **11/19/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Orange Personal Communications Services, Ltd.
Granted to Date of previous extension	11/19/2008
Address	St. James Park, Great Park Road, Almondsbury Park, Bradley Stoke Bristol, BS32 4QJ UNITED KINGDOM

Attorney information	Dickerson M. Downing Crowell & Moring, LLP 153 East 53rd Street, 31st Floor New York, NY 10022 UNITED STATES edocket@crowell.com, ddowning@crowell.com, jksmith@crowell.com, ckornett@crowell.com Phone:212-895-4212
----------------------	--

### Applicant Information

Application No	77410495	Publication date	07/22/2008
Opposition Filing Date	11/19/2008	Opposition Period Ends	11/19/2008
Applicant	Lovitt, Timothy Jaimal 7960 Soquel Dr B #406 Aptos, CA 95003 UNITED STATES		

### Goods/Services Affected by Opposition


<p>Class 009.</p> <p>All goods and services in the class are opposed, namely: Audio recordings featuring music; Children's educational music CDs and DVDs; Downloadable MP3 files, MP3 recordings, online discussion boards, webcasts and podcasts featuring music, audio books and news broadcasts; Downloadable musical sound recordings; Downloadable ring tones, graphics and music via a global computer network and wireless devices; Downloadable video recordings featuring music; Downloadable music via the Internet and wireless devices; Musical sound recordings; Musical video recordings; Sound recordings featuring music; Video recordings featuring music; Visual recordings and audio visual recordings featuring music and animation</p>
<p>Class 041.</p> <p>All goods and services in the class are opposed, namely: Entertainment in the nature of an on-going special variety, news, music or comedy show featuring music broadcast over television, satellite, audio, and video media; Entertainment in the nature of visual and audio performances, and musical, variety, news and comedy shows; Entertainment in the nature of visual and audio performances, namely, musical band, rock group, gymnastic, dance, and ballet performances; Entertainment in the nature of music; Entertainment services in the nature of live musical performances; Entertainment services, namely, an online activity where you create your own music videos; Entertainment services,</p>

namely, non-downloadable ringtones, pre-recorded music, video and graphics presented to mobile communications devices via a global computer network and wireless networks; Entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials; Entertainment services, namely, providing on-line reviews of music; Entertainment services, namely, providing prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; Entertainment, namely, live music concerts; Entertainment, namely, live performances by a musical band; Entertainment, namely, live performances by musical bands; Hosting a back to school event in a shopping center featuring prizes, games, music, and a fashion show; Instruction in the field of music; Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films; Multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; Music composition and transcription for others; Music composition for others; Music production services; Music publishing services; Music selection services for use in TV, film, radio and video games; Music transcription for others; Music-halls; Planning arrangement of showing movies, shows, plays or musical performances; Post-production editing services in the field of music, videos and films; Presentation of musical performance; Production of sound and music video recordings; Providing facilities for movies, shows, plays, music or educational training; Providing ratings for television, movie, music, video and video game content; Publication of musical texts; Theatrical and musical floor shows provided at discotheques and nightclubs; Theatrical and musical floor shows provided at performance venues

## Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

## Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	76215112	Application Date	02/23/2001
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ORANGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Television sets, television screens; computers; peripheral equipment for computers; programmed-data-carrying electronic circuits; computer programs and computer software all being for use in relation to the operation and management of telecommunications equipment, apparatus and installations and the operation and management of a telecommunications network; audio and video discs and tapes sold blank; prerecorded audio and video discs and tapes which relate to information concerning telecommunications and for use in relation to the operation and management of telecommunications equipment apparatus and installations and the operation and management of a telecommunications network service and electrical wires; blank and pre-		


	<p>recorded magnetic cards; computer software supplied that may be downloaded from the Internet, being for use in relation to the operation and management of a telecommunications network service; downloadable electronic publications in the nature of brochures, manuals, leaflets, pamphlets and booklets in the fields of telecommunications, business, product promotion, financial, real estate, stocks and shares, maintenance and repair of property, household items, vehicles, maintenance and repair of telecommunications installations, networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing, travel and restaurants; telecommunications apparatus, namely, modems, to enable connection to databases and the global computer network; computer software to enable searching of data; downloadable musical sound recordings; players for playing downloadable music sound recordings; satellite transmitters and receivers; electric wires and cables; electrical resistance wires; electrodes, namely, connection terminals and conductors for non-medical uses; radio pagers and radio telephones; telephones, mobile telephones and telephone handsets; accessories for telephones and telephone handsets, namely, clip-on fascias, replacement keypads, holograms, "plug and play" car kits, namely, adaptors, leads, speakers, a plug attachment, built-in speakers and microphone connections, radio hands free, MP3 players, voice recognition kits, namely, speakers, microphone, battery charger, headsets, belt clips, lapel microphones, mobile phone covers, shock proof mobile phone cases, cable tidies; adapters for use with telephones; battery chargers for use with telephones; desk or car mounted units incorporating a loudspeaker to allow a telephone handset to be used hands-free; in-car telephone handset cradles; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computerized personal organizers; antennas; batteries; micro processors; computer keyboards, telephone keypads; modems; electronic satellite global positioning systems; electronic satellite navigational and positioning apparatus and instruments; electronic monitoring equipment and instruments for use in relation to telephony networks, telemetry, signaling and system capabilities for use in tracking telecommunications and electronic signals and for monitoring electronic traffic across telecommunications lines, telemetry, signaling and system capabilities; radio receivers, radio transmitters; electrical and electronic instruments for use in controlling, testing, signaling and checking telecommunications and electronic signals for controlling, testing, signaling and checking the movement of electric and electronic traffic across telecommunications lines, telemetry, signaling and system capabilities; optical and electro-optical apparatus and instruments, namely, telephone display screens, video screens, television screens, video screens for use within a video phone, video cameras, video cameras for use in a video phone, computer display screens, backlighting units for display screens and liquid crystal display screens; video films, namely, entertainment, educational and instructional; electrical and electronic accessories and peripheral equipment designed and adapted for use with computers, audio-visual apparatus and electronic games equipment and apparatus, namely, control pads, joysticks, speakers, MP3 player, digital, musical and video players; parts and fittings for all the aforesaid goods</p> <p>Class 016. First use:</p> <p>Holograms</p> <p>Class 038. First use:</p> <p>Telecommunications and communication services, namely, telephone, facsimile, user to user teleprinter exchange services, electronic message collection and transmission, radio-paging and electronic mail services; electronic transmission and reception of data and of information; electronic message delivery services; on-line information services relating to telecommunications; electronic data interchange services; transfer of data by telecommunication; satellite communication services; broadcasting or transmission of radio or television programs; videotext, teletext and viewdata services, namely, viewing text and graphics via telephone monitors to display information which is accessed</p>
--	---

	<p>through telephone lines; video messaging services; video conferencing services; video telephone services; providing user access to the Internet; providing telecommunications connections to the Internet or databases; providing access to digital music websites on the Internet; providing access to MP3 websites on the Internet; delivery of digital music by telecommunications; telecommunication access services to on-line and wireless providers; computer aided transmission of messages and images; wireless exchange of computer data; electronic transmission of news and current affairs information; leasing and rental of telecommunications equipment; telecommunications consulting services</p> <p>Class 042. First use:</p> <p>News agency services; computer services, namely, providing search engines for obtaining data on the Internet</p>
--	---

U.S. Application No.	78675974	Application Date	07/22/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ORANGE		
Design Mark			
Description of Mark	<p>The mark consists of the color orange which appears as the background of the finite square and the word "orange" which appears in white lower case lettering within and towards the lower edge of that square.</p>		
Goods/Services	<p>Class 038. First use:</p> <p>Internet service provider services, namely, dial-up and broadband single and multi-user access to a global computer network, and provision of information and advice thereon</p> <p>Class 041. First use:</p> <p>Educational services, namely, developing, arranging and conducting educational conferences, programs, seminars and workshops, and providing courses of instruction in the fields of reading skills, literature, the arts, information technology, telecommunications and the environment, and providing educational information and advice relating to such aforementioned educational services; entertainment services, namely, conducting contests, participation in motor racing events, yacht racing events, golf, tennis, football, cricket, ballooning, sailing, snowboarding, surfing, windsurfing, and cycling events, and provision of information and advice thereon; entertainment services, namely, providing a website featuring musical performances, musical videos, related film clips, photographs and other multi-media materials, and provision of information and advice thereon; entertainment services, namely, providing on-line reviews of films, books, music, computer games and sporting events, and provision of information and advice thereon; entertainment services, namely, providing pre-recorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network, and provision of information and advice thereon; entertainment services, namely, organizing and conducting events for international awards in the areas of film, cinema and</p>		

	<p>fictional literature, and provision of information and advice thereon; organizing community sporting, arts, music and cultural events and provision of information and advice thereon; providing information in the fields of education, entertainment and sporting and cultural events, provided on-line from a computer database or the Internet or provided by other means; entertainment services, namely, providing an on-line computer game and provision of information and advice thereon; rental of video tapes, video discs, compact discs, audio tapes and audio discs, and provision of information and advice thereon; radio and television entertainment production and provision of information and advice thereon; production of motion picture films and radio and television programs, and provision of information and advice thereon; organizing of games and sporting competitions in the fields of golf, tennis, ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing, and provision of information and advice thereon; organizing of competitions in the form of poetry, literary awards, film awards, and provision of information and advice thereon; providing not downloadable on-line documents, fact sheets, brochures, newsletters, magazines and reviews in the fields of sport, entertainment, education, information technology, art and culture, telecommunications and computing, music, personal fitness and leisure activities, and provision of information and advice thereon; publication of electronic books and journals on-line, and provision of information and advice thereon; publication of texts in electronic format or otherwise, and provision of information and advice thereon; publishing of music, video and film in the form of tapes, CDs, DVDs and video tapes, and provision of information and advice thereon; organizing exhibitions for purposes of music, films, games, golf, tennis, ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing, literature, telecommunications, computing and information technology for cultural, entertainment and educational purposes, and provision of information and advice thereon; conducting on-line exhibitions and displays and interactive exhibits in the fields of music, films, games, golf, tennis, ballooning, sailing, yachting, cycling, snowboarding, surfing, windsurfing, football, cricket, racing, motor racing, literature, telecommunications, computing and information technology for cultural, entertainment and educational purposes and provision of information and advice thereon; entertainment in the nature of television news shows for transmission via the Internet, news bulletins in the form of text and image messaging for transmission via the Internet or a telephony network, and provision of information and advice thereon; arranging of exhibitions, seminars and conferences, and provision of information and advice thereon; providing courses of instruction in the fields of reading skills, literature, the arts, information technology, telecommunications and the environment, provided on-line via a telecommunications link or computer network, or provided by other means, and provision of information and advice thereon; translation services and provision of information and advice thereon; providing art exhibitions which may be viewed via the Internet, and provision of information and advice thereon; gambling services, games of chance, namely, providing facilities for the playing of games of chance, and provision of information and advice thereon; ticket reservation and booking services for entertainment, sporting and cultural events, and provision of information and advice thereon; on-line library services, namely, providing electronic library services which feature newspapers, magazines, photographs and pictures via an on-line computer network, and provision of information and advice thereon; entertainment services, namely, providing nondownloadable digital music via the Internet or a telephony network, and provision of information and advice thereon</p> <p>Class 042. First use:</p> <p>Computer services, namely, computer hardware development, customization of computer hardware and software, and provision of information and advice thereon; maintenance, updating and design of computer software and computer programs, and provision of information and advice thereon; design of computer hardware and firmware and provision of information and advice thereon;</p>
--	---

	<p>computer programming services and provision of information and advice thereon; preparation and provision of information in the form of leaflets, newsletters, Internet and cell phone alert messages and dedicated websites in relation to computers and computer network facilities, and provision of information and advice thereon; consultancy in the field of software design and provision of information and advice thereon; consultation services in the fields of design, selection, implementation and use of computer hardware and software systems for others, and provision of information and advice thereon; consulting services in the field of office and workplace automation and provision of information and advice thereon; design and development of computer systems and of telecommunications systems and equipment, and provision of information and advice thereon; computer project management and provision of information and advice thereon; computer management services, namely, software application management, management of local area networks, and provision of information and advice thereon; operational support services for computer networks, telecommunications networks and data transmission networks, namely, troubleshooting of telecommunications and computer systems and networks for others, and provision of information and advice thereon; on-line computer services, namely, design and development of on-line computer software systems, hosting of digital content on the Internet, provision of information and advice thereon, and provision of specific information as requested by customers via the Internet; computer programming for others provided on-line, and provision of information and advice thereon; computer services, namely, providing search engines for obtaining data on a global computer network, and provision of information and advice thereon; computer rental and provision of information and advice thereon; design of web pages for others and provision of information and advice thereon; design and development of multi-media computer products, and provision of information and advice thereon; database development and provision of information and advice thereon; creation and maintenance of websites for others, and provision of information and advice thereon; hosting the websites of others and provision of information and advice thereon; installation and maintenance of computer software and provision of information and advice thereon; leasing computer facilities, leasing of computers, and provision of information and advice thereon; registration of domain names for identification of users on a global computer network, and provision of information and advice thereon; creating, operating and maintaining websites, web pages and portals for others for logging text, images and music, provided via computers and mobile telephones, and provision of information and advice thereon; weather forecasting; interior design services and provision of information and advice thereon</p>
--	---

U.S. Application No.	76215122	Application Date	02/23/2001
Registration Date	NONE	Foreign Priority Date	11/13/2000
Word Mark	ORANGE		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 009. First use:</p> <p>Television sets, television screens; computers; peripheral equipment for computers; programmed-data-carrying electronic circuits; computer programs and computer software all being for use in relation to the operation and management of telecommunications equipment, apparatus and installations and the operation and management of a telecommunications network; audio and video discs and tapes sold blank; prerecorded audio and video discs and tapes which relate to information concerning telecommunications and for use in relation to the operation and management of telecommunications equipment apparatus and installations and the operation and management of a telecommunications network service; blank and pre-recorded magnetic cards; computer software supplied that may be downloaded from the Internet, being for use in relation to the operation and management of a telecommunications network service; downloadable electronic publications in the nature of brochures, manuals, leaflets, pamphlets and booklets in the fields of telecommunications, business, product promotion, financial, real estate, stocks and shares, maintenance and repair of property, household items, vehicles, maintenance and repair of telecommunications installations, networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing, travel and restaurants; computer software and telecommunications apparatus, namely modems, to enable connection to databases and the Internet; computer software to enable searching of data; downloadable musical sound recordings; players for playing downloadable music sound recordings; satellite transmitters and receivers; electric wires and cables; electrical resistance wires; electrodes, namely connection terminals and conductors for non-medical uses; radio pagers and radio telephones; telephones, mobile telephones and telephone handsets; accessories for telephones and telephone handsets, namely clip-on fascias, replacement keypads, holograms, "plug and play" car kits, namely adaptors, leads, speakers, a plug attachment, built-in speakers and microphone connections, radio hands free, MP3 players, voice recognition kits, namely, speakers, microphone, battery charger, headsets, belt clips, lapel microphones, mobile phone covers, shock proof mobile phone cases, cable tidies; adapters for use with telephones; battery chargers for use with telephones; desk or car mounted units incorporating a loudspeaker to allow a telephone handset to be used hands-free; in-car telephone handset cradles; bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; computerized personal organizers; antennas; batteries; microprocessors; computer keyboards, telephone keypads; modems; electronic satellite global positioning systems; electronic satellite navigational and positioning apparatus and instruments, namely radar and sonar; electronic monitoring instruments for use in tracking telecommunications and electronic signals, for monitoring electric traffic across telecommunication lines, networks, installations and switchboards; installations and switchboards, namely private branch exchange switching apparatus and telecommunications switchboards; telemeters; radio receivers, radio transmitters; optical and electro-optical apparatus and instruments, namely telephone display screens, video screens, television screens, video screens for use within a video phone, video cameras, video cameras for use in a video phone, computer display screens, backlighting units for display screens and liquid crystal display screens; video films, namely entertainment, educational and instructional; electrical and electronic accessories and peripheral equipment designed and adapted for use with computers, audio-visual apparatus and electronic games equipment and apparatus, namely control pads, joysticks, speakers, MP3 player, digital, musical and video players; parts and fittings for all the aforesaid goods</p> <p>Class 016. First use:</p>

	<p>Holograms; printed matter, namely leaflets, brochures, booklets, instruction manuals, magazines, books, newspapers, newsletters, journals, and catalogues in the fields of telecommunications, computing, the Internet, motor racing, the arts and business, production promotion, real estate, maintenance and repair of property, household items, vehicles, maintenance and repair of telecommunications installations, networks, telephones and computer equipment, entertainment, sports not including the presentation of college level sporting events, cultural events, computing, travel and restaurants; printed instructional and teaching materials relating to financial matters; bookmarks; paper sacks and bags; photographs; pictures; drawing and painting materials, namely paint brushes, painting palettes, painting sets for artists, canvas for painting, easels, easel pads, drawing instruments, drawing pads, drawing paper; address books, diaries and books for personal record use; calendars; posters; modeling plastics; modeling clay; modeling tools for plastics and clay; instructional and teaching materials, namely blackboards, chalk, erasers, music paper, sheet music; general purpose paper and plastic bags; card bags, namely heavy duty paper bags and cardboard packaging</p> <p>Class 041. First use:</p> <p>Education and training services relating to the field of telecommunications in the form of interactive and distance learning services provided on-line by a telecommunication or computer network or by telephone or mail; organizing and staging of education and training initiatives and events in the field of relating to telecommunications, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications installations and networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and food; educational services relating to business operations in the form of interactive and distance learning services provided on-line by a telecommunication or computer network or by telephone or mail; educational and training services in the fields of telecommunications, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications installations and networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and foods said educational services provided online by a telecommunications or computer network or by telephone or mail; organization and staging of cultural initiatives, competitions and events; organizing and staging of educational and entertainment events and competitions in the field of science, technology, sports, the arts, business, finance, literature, vocational events, telecommunications, computing and the Internet; information relating to education, entertainment, sporting and cultural events; providing on-line computer games; rental of video and audio tapes; television entertainment services, namely, television programs relating to telecommunications, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications installations and networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and food; providing on-line electronic magazines and newspapers in the fields of telecommunications, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications installations and networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and food; publication of electronic books and journals on-line in the fields of telecommunications, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications installations and</p>
--	---



	<p>networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and food; publication of texts in electronic format or otherwise; organizing educational and entertainment exhibits in the fields of telecommunications, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications and installations and networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and food; organizing and providing information in relation to educational and entertainment exhibits and exhibitions in the fields of telecommunication, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications and installations and networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and food; news programming services for transmission across the Internet; arranging and conducting conferences, seminars, symposia, tutorials and workshops in the fields of telecommunications, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications installations and networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and food; interactive and distance learning courses and sessions provided on-line via a telecommunications link, or a computer network, or by telephone, or by mail in the fields of telecommunications, business information, product information, financial information, real estate information, stocks and shares information, maintenance and repair of property, household items and vehicles, maintenance and repair of telecommunications installations and networks, telephones and computer equipment, travel, entertainment, sports, cultural events, computing and food; casino services; organization and running of clubs for members for educational, sporting and entertainment and cultural activities; ticket reservation and booking services for entertainment, sporting and cultural events; electronic library services for the supply of electronic information including archive information in the form of electronic texts, audio and/or video information and data, games and amusements; electronic games services provided by means of the Internet; provision and operation of educational conferences; entertainment services, namely providing on-line, non downloadable music via the Internet; consultation rendered in conjunction with all the aforesaid services; none of the aforesaid services in connection with college level courses of instruction or college level sporting events.</p>
--	--

Attachments	<p>76215112#TMSN.gif ( 1 page )( bytes )  78675974#TMSN.jpeg ( 1 page )( bytes )  76215122#TMSN.gif ( 1 page )( bytes )  Notice of Opposition - ORANGELOVE (SN 77-410495).pdf ( 6 pages )(273428 bytes )</p>
-------------	--

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/jks/
Name	Julia K. Smith
Date	11/19/2008



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 77/410,495 for the mark  
ORANGELOVE in International Classes 9 and 41  
Published for opposition in the Official Gazette of  
July 22, 2008

ORANGE PERSONAL COMMUNICATIONS  
SERVICES, LTD.,

Opposer,

v.

TIMOTHY JAIMAL LOVITT,

Applicant.

Opposition No.

**United States Patent And Trademark Office**  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Opposer, Orange Personal Communications Services, Ltd. ("Opposer"), an English and Welsh company, with offices in Bristol, England believes it will be damaged by registration of the mark ORANGELOVE as shown in Application Serial No. 77/410,495 and, having filed a timely request for an extension of time to oppose until November 19, 2008 hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of protectable rights in and to the name and mark ORANGE and variations thereon ("ORANGE Marks"), in the United States and elsewhere, in connection with mobile phone and telecommunication products and services and a wide variety of other

goods and services including audio recordings and related entertainment services that are prior in time and otherwise superior to the rights of Applicant in the subject application.

2. Opposer's prior rights in the ORANGE Marks, in part, are reflected by its ownership of United States Trademark Application No. 76/215,112 to register ORANGE and Design for various mobile phone and telecommunication and other products in International Class 9, including audio and video discs and downloadable musical sound recordings, as filed on February 23, 2001; United States Trademark Application Serial No. 78/675,974 to register ORANGE and Design for various telecommunication and other services in International Class 41, including entertainment services, namely, providing pre-recorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network, as filed in the United States Patent and Trademark Office on July 22, 2005; and United States Trademark Application Serial No. 76/215,122 to register ORANGE for various mobile phone and telecommunication and other products and services in International Classes 9 and 41, including audio and video discs and downloadable musical sound recordings and entertainment services, including providing on-line, non-downloadable music via the internet, as filed in the United States Patent and Trademark Office on February 23, 2001.

3. Notwithstanding Opposer's prior rights in the ORANGE Marks in the United States, Applicant filed on or about March 1, 2008 an application to register the mark ORANGELOVE for "Audio recordings featuring music; Children's educational music CDs and DVDs; Downloadable MP3 files, MP3 recordings, online discussion boards, webcasts and podcasts featuring music, audio books and news broadcasts; Downloadable musical sound recordings; Downloadable ring tones, graphics and music via a global computer network and wireless devices; Downloadable video recordings featuring music; Downloadable music via the

Internet and wireless devices; Musical sound recordings; Musical video recordings; Sound recordings featuring music; Video recordings featuring music; Visual recordings and audio visual recordings featuring music and animation” in International Class 9 and for “Entertainment in the nature of an on-going special variety, news, music or comedy show featuring music broadcast over television, satellite, audio, and video media; Entertainment in the nature of visual and audio performances, and musical, variety, news and comedy shows; Entertainment in the nature of visual and audio performances, namely, musical band, rock group, gymnastic, dance, and ballet performances; Entertainment in the nature of music; Entertainment services in the nature of live musical performances; Entertainment services, namely, an online activity where you create your own music videos; Entertainment services, namely, non-downloadable ringtones, pre-recorded music, video and graphics presented to mobile communications devices via a global computer network and wireless networks; Entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials; Entertainment services, namely, providing on-line reviews of music; Entertainment services, namely, providing prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; Entertainment, namely, live music concerts; Entertainment, namely, live performances by a musical band; Entertainment, namely, live performances by musical bands; Hosting a back to school event in a shopping center featuring prizes, games, music, and a fashion show; Instruction in the field of music; Multimedia entertainment services in the nature of recording, production and post-production services in the fields of music, video, and films; Multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; Music composition and transcription for others. Music composition for others; Music production

services; Music publishing services; Music selection services for use in TV, film, radio and video games; Music transcription for others; Music-halls; Planning arrangement of showing movies, shows, plays or musical performances; Post-production editing services in the field of music, videos and films; Presentation of musical performance; Production of sound and music video recordings; Providing facilities for movies, shows, plays, music or educational training; Providing ratings for television, movie, music, video and video game content; Publication of musical texts; Theatrical and musical floor shows provided at discotheques and nightclubs; Theatrical and musical floor shows provided at performance venues” in International Class 41.

4. Opposer will be damaged by the registration of the ORANGELOVE mark, as aforesaid, in that said mark so resembles Opposer’s ORANGE Marks, as to be likely, when applied to the goods and/or services of Applicant, to cause confusion, mistake and deception, with consequent irreparable damage to Opposer’s business and goodwill and otherwise will improperly give the appearance of exclusive statutory ownership rights in marks incorporating the ORANGE Marks to Applicant in violation of Section 2(d) of the Trademark Act of 1946 (“Lanham Act”), as amended (15 U.S.C. §1052(d)), and derogation of the prior and superior rights of Opposer.

5. Registration should, therefore, be refused pursuant to 2(d) of the Lanham Act (15 U.S.C. §1052(d)), on the grounds that the application to register ORANGELOVE so resembles Opposer’s ORANGE Marks as to cause confusion, mistake or deception.

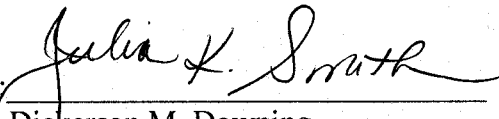
WHEREFORE, Opposer requests that this opposition be sustained and that the application by Timothy Jaimal Lovitt to register the mark ORANGELOVE (Serial No. 77/410,495) be refused.

Opposer will submit payment with the online filing of the Notice, pursuant to 37 CFR §2.6(a)(17), in an amount totaling six hundred dollars (\$600.00) in payment of the requisite fee for filing this Notice of Opposition against the application. Please change any additional amounts to the undersigned Attorney's Deposit Account No. 05-1323.

Dated: New York, New York  
November 19, 2008

Respectfully submitted,

CROWELL & MORING LLP

By:   
Dickerson M. Downing  
Julia K. Smith  
153 East 53rd Street  
31st Floor  
New York, New York 10022

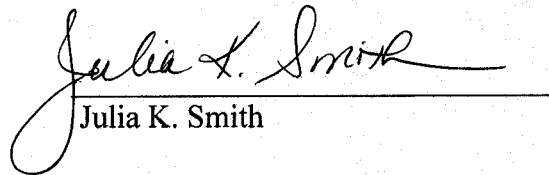
Attorneys for Opposer  
*Orange Personal Communications Services,  
Ltd.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of November, 2008, a true and correct copy  
of the Notice of Opposition was served on the Applicant by Express Mail Post Office to

Addressee to:

Mr. Timothy Jaimal Lovitt  
7960 Soquel Drive B # 406  
Aptos, CA 95003-3999

  
\_\_\_\_\_  
Julia K. Smith